

REMARKS

These remarks are in response to the March 1, 2005 U.S. Patent and Trademark Office communication, in which the Examiner, citing 35 U.S.C. § 121, required restriction of this application to one of the following inventions:

- I. Claims 1-14, drawn to the tap handle, classified in class 222, subclass 400.7; and
- II. Claims 15-18, drawn to the method of making the handle, classified in class 29, subclass 530.

In accordance with 35 U.S.C. § 121, pursuant to the requirement for restriction, the assignee provisionally elects Invention I (claims 1-14). This election is made with traverse.

The Examiner alleges that the restriction is required because the application contains inventions that are distinct from each other. To support this statement, the examiner states that "the process can make a decorative ornament for the holidays." However, the Examiner has not provided any explanation as to why the search of claims 1-14 and claims 15-18 in a single application would pose a serious burden.

Section 803 of the Manual of Patent Examining Procedure states that, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The assignee hereby represents that a method of making a safety tap handle, as claimed in claims 15-18 of the present invention will include a review of safety tap handle as claimed in claims 1-14. There is enough similarity between the claims such that a search and examination of the entire application can be made without serious burden. A thorough and careful search of claims 1-14 would be commensurate in scope with a thorough and careful search of claims 15-18.

Accordingly, the Examiner is respectfully requested to withdraw the election requirement and to

examine all claims.

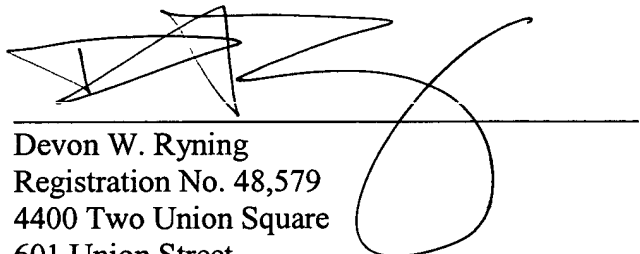
CONCLUSION

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Please charge Deposit Account No. 13-3571 for any additional fees which may be required.

Respectfully submitted,

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